

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 14, 2003
at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 515, 2/11/2003; HB 518 2/11/2003
Executive Action: HB 365 RE-TABLED; HB 190 NO ACTION

HEARING ON HB 515**Sponsor:** REP. PENNY MORGAN, HD 21**Opening Statement by Sponsor:**

REP. MORGAN said that the state budget has doubled in the last ten years, but that services have not. This bill would have the Legislative Auditor, as part of its performance audits, investigate how staff resources are used, including how many full time equivalent positions (FTE) and administrators there are, their salaries and position descriptions. The two Interim Audit Committees would select at least two agencies for audit each interim. There is no fiscal note because the committees have to do this type of work anyway, she testified.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.2}**Proponents' Testimony:** None**Opponents' Testimony:** None**Informational Testimony:****Angie Grove, Legislative Audit Division****Questions from Committee Members and Responses:**

REP. BROWN said she and REP. JACOBSON sit on the Interim Audit Committee; she questioned if this work could be done without the bill. The sponsor deferred to **Angie Grove**, who said the Audit Committee can audit anywhere, anytime. They look at the office space, the number of FTE, compliance, need for advisory boards, etc. They do not need this bill to do that work. Upon request to audit, they put it on their schedule. REP. SMITH asked if this would take more time and money. She said it would and they will reshuffle their schedule if they have to.

{Tape: 1; Side: A; Approx. Time Counter: 4.2 - 8.9}**Closing by Sponsor:**

REP. MORGAN said the Legislative Audit Division does not now look at how staffing is arranged. Some divisions do run lean, but others do not. This bill does not mandate if the money is not there, but agencies will know this [law] is out there and will keep that in mind.

{Tape: 1; Side: A; Approx. Time Counter: 8.9 - 10.5}

HEARING ON HB 518

Sponsor: REP. MONICA LINDEEN, HD 7

Opening Statement by Sponsor:

REP. LINDEEN said she asked for a committee bill to create a statewide purchasing pool for advertising job vacancies to get better rates. It would be run through State Personnel.

{Tape: 1; Side: A; Approx. Time Counter: 10.5 - 13}

Proponents' Testimony:

John McEwen, State Personnel Division Administrator, said their subcommittee requested this bill to address redundancy in advertisements (ads). Consolidating ads into one large display may save the state up to \$160,000 per year. Agencies would still be able to buy ads locally or in addition to the central ad, he said. He provided written testimony.

EXHIBIT (sth33a01)

{Tape: 1; Side: A; Approx. Time Counter: 13 - 18}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. WAGMAN asked why they could not have the Governor direct agencies to just do this. Mr. McEwen said the budget office could direct the executive but not the other two branches. REP. LEHMAN asked if agencies could not still spend a fortune on advertising. Mr. McEwen agreed they would not be limited. He said they would get a better rate by advertising with the big five newspapers in Montana: the Billings Gazette, Missoulian, Helena Independent Record, Great Falls Tribune and Bozeman Chronicle. The aim is to drive down the costs of statewide ads; a one-time three-inch ad in the Gazette costs \$500.

REP. LEHMAN said more detail on ads drives up costs; he asked if the composite ad would be stripped-down. Mr. McEwen said that it would, and showed a sample statewide job vacancy display ad.

EXHIBIT (sth33a02)

REP. LEHMAN asked for a projected one-year ad cost for advertising in the five major newspapers. Mr. McEwen said he will get that information today. REP. ROBERTS asked which jobs

will be left open, and which would be advertised. **Mr. McEwen** said agencies would just tell him what jobs would be listed weekly and he would compile the list. **REP. BALLANTYNE** asked why agencies would advertise if a position will not be filled. **Mr. McEwen** said sometimes a decision is made later not to fill it. He added that the state always has 600-800 positions vacant, due to natural turnover and seasonal vacancy.

REP. BROWN asked him to address the hiring freeze. **Mr. McEwen** said agencies must justify critical positions being filled, but no longer have to go to the budget director to fill them. **REP. SMITH** asked if they could still advertise in local papers and **Mr. McEwen** answered affirmatively.

{Tape: 1; Side: A; Approx. Time Counter: 18 - 27.2}

Closing by Sponsor:

REP. LINDEEN said her original proposal was smaller in scope and would have jobs listed only on the internet for job service and agencies, but some folks do not have the internet, so this bill is a good compromise.

{Tape: 1; Side: A; Approx. Time Counter: 27.2 - 27.6}

EXECUTIVE ACTION ON HB 365

Motion: **REP. DICKENSON** moved to REMOVE HB 365 FROM THE TABLE AND TO RECONSIDER IT.

Vote: On a voice vote, motion carried 16-3; voting no were **REPS. WAGMAN, SMITH and BROWN.**

Motion: **REP. DICKENSON** moved HB 365 DO PASS.

Motion: **REP. DICKENSON** moved AMENDMENTS TO HB 365.

An amendment was distributed.

EXHIBIT(sth33a03)

Discussion. **REP. DICKENSON** said she had an amendment to make the political process more open. It removes 3(b) and creates new item (9). She worked with **REP. GOLIE** on it and talked with John Strandell of Great Falls who originated the bill. It should not limit expression of political views, but would restrict use of the position, title, office or uniform for endorsing candidates. Officials could be pressured into doing just that, so this bill would help them to draw the line.

REP. BALLANTYNE liked the new amendment. **REP. HURWITZ** asked **REP. YOUNKIN** if it might be disingenuous to make an endorsement and to not indicate your office, if everyone knows you're a representative, for example. She said it was. **REP. JENT** did not like the part about restricting the first amendment right of free speech, and agreed that example would be disingenuous. He liked the part about not using the uniform, but said representatives should use their position to influence others.

REP. BROWN asked if the amendment would prevent Senator Baucus having his picture taken in front of the White House endorsing **REP. JACOBSON**. **REP. DICKENSON** said it would, but that it would be okay in front of a school; but they could not use their stationery to make endorsements.

Motion/Vote: **REP. BROWN** moved HB 365 BE TABLED again. On a voice vote, motion carried 12-7. Voting no were **REPS. SMITH, BALLANTYNE, WINDY BOY, DICKENSON, LENHART, JACOBSON** and **GIBSON**.
{Tape: 1; Side: A; Approx. Time Counter: 27.6 - 45.5}

EXECUTIVE ACTION ON HB 190

Motion: **REP. YOUNKIN** moved HB 190 DO PASS.

Discussion: **CHAIRMAN BARRETT** said they have extensive changes and a large amendment. It was distributed. **REP. BROWN** said the intent was good but most Montanans do not want to have to produce identification when they go to vote.

EXHIBIT(sth33a04)

Motion: **REP. YOUNKIN** moved HB 190 AMENDMENTS.
{Tape: 1; Side: A; Approx. Time Counter: 45.5 - 59}

Discussion:

REP. YOUNKIN suggested they go through the 29-page amendment. **REP. GIBSON** wanted to strike one part. **CHAIRMAN BARRETT** said to listen to all of the amendments, then speak to the individual ones to segregate.

Ms. Heffelfinger explained the amendment. Starting on Page 7, it strikes out all language of the old bill and substitutes this amendment. Changes were so extensive, she re-wrote the original to incorporate the changes and clean up the language while they are amending it.

{Tape: 1; Side: A; Approx. Time Counter: 49 - 59}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 26.6}

Informational Witness June Hermanson, Montanans with Disabilities for Equal Access, testified and provided written testimony.

EXHIBIT (sth33a05)

Discussion and Questions from Committee:

REP. LEHMAN said provisional ballots need to be proved by 5 PM following the election day; he asked if the Elections Administrators are even open 24 hours a day. **Ms. Heffelfinger** deferred to **Elaine Gravely, Deputy Elections Administrator**, who assured them that someone would be there to receive the information. He asked about poor people with no electricity, what they could substitute for a power bill or pay stub; with no car they would have no driver's license. The answer was, a tax statement, rental receipt, or anything to identify they are who they say they are.

REP. BALLANTYNE was concerned with Hutterites, whose women don't receive money, have no Social Security number, and don't drive. **Ms. Gravely** said they can get a state identification card for \$5. **REP. BALLANTYNE** said they cannot have their picture taken. **REP. HURWITZ** said they all have birth certificates. **REP. SMITH** asked **Ms. Gravely** to address extended families on the reservation, where people may have no documentation or rent receipt because they live with relatives. **Ms. Gravely** said she would come up with compromise language so as not to disenfranchise anyone.

REP. JACOBSON asked **AARP Associate Director Pat Harper** how many snowbirds her organization had. She estimated 136,000 in Montana and confirmed the population is aging, getting more infirm, or in some cases, more mobile. All those factors increased likelihood of using absentee ballots. **REP. JACOBSON** said his concern is changing 45 to 30 days. **Ms. Harper** agreed and said those living in assisted living center may like more than 30 days.

REP. B. OLSON asked **Ms. Doggett, Secretary of State's Office**, to restate the reasons for the 30 days. She said it is not just the printing of ballots. The Voter Information Pamphlets (VIPs) are not ready too early. They extended the time to make the VIP available and shrunk the time the ballot is available. The average length of time for states is 21 days for early voting. It was two weeks; now it is three weeks for the VIP.

REP. BECKER asked if they can use provisional driver licenses. **Ms. Graveley's** answer was that to register, they could use the driver license, last four digits of the Social Security number, or the Election Administrator will assign a unique identification number. **REP. BECKER** said a Social Security card was not listed as

a choice of identification. **Ms. Graveley** said if voters were provisional, they still needed to present information like bills, a government check, or something with an address. **REP. BECKER** asked if they can use the envelope Social Security sends telling that they are registered. **Ms. Graveley** did not believe so.

REP. GIBSON asked if voters were already registered if they still need to present identification. **Ms. Graveley** said that was correct. **REP. GIBSON** asked to call in Informational Speaker **Rita Blouke, President of Helena Chapter, League of Women Voters**, who said there seems to be unintended impediments in the lengthy amendment, some from HAVA, some from the Secretary of State. They support moving the VIP mailing from two to three weeks prior. More people vote absentee now, and it is trouble for the Clerks and Records, but she is for choice. She had problems with having to show identification.

REP. YOUNKIN said there is a big misunderstanding here. The period to request absentee ballots begins 75 days prior. It will be mailed to the voter 30 days before, and they have probably 27 days left to return it before the election.

REP. B. OLSON asked **Informational Speaker Jason Thielman, Deputy Director, Secretary of State** his opinion if the direction they are going is leading to a national identification card. "No," replied Mr. Thielman. **REP. OLSON** asked for an explanation why the Secretary of State wanted to control who could pick up ballot requests for delivery. **Mr. Thielman** said there is confusion and misinformation here. There is no change to the method allowed of picking up or mailing out an absentee ballot. The only change is that the actual ballot can't be delivered by a third party.

REP. OLSON asked if the state had "wiggle room" under HAVA. **Mr. Thielman** said it does not. **REP. BALLANTYNE** asked **Ms. Doggett**, with present technology, if they could not have the VIP go out 45 days early with the ballot. She replied that it was a push to put it to three weeks now. They need statements from both sides to get them ready for the printer. **REP. DICKENSON** asked if they could just send a note with the ballot saying the VIP will follow. **Ms. Doggett** said ideally, they want just one mailing, but they can't control the timing of the VIP being ready. They will try to have it ready 30 days before, she said.

REP. DICKENSON asked about HAVA regulations regarding those legally registered, if they also needed identification cards when they voted. **Ms. Doggett** said that it is Montana, not HAVA, requiring identification at the polls. The identification of those already registered was never verified. Her office wants to

clean up the databases. **REP. A OLSON** said it is hard to move up deadlines on the VIPs. By the time the Initiative gets on the ballot, the time frame is tight.

REP. LENHART asked Ms. Heffelfinger about Page 21, Section 29, the purpose of the rule and how it would affect someone who is not mobile; in the past they have had another person deliver their ballot. **Ms. Heffelfinger** said this is an amendment request by the Secretary of State. It must be mailed by the voter, not a third party. **REP. YOUNKIN** said they were trying to avoid the ballot going through political parties, to avoid fraud. **CHAIRMAN BARRETT** mentioned fair booth registration; the applications could get misplaced so she likes the rule. **REP. BECKER** disagreed. She said women's groups, seniors and disability groups are all trying to get folks registered. The rule would preclude them from assisting others to register.

REP. SMITH asked **Ms. Doggett** about appeals. She said HAVA has a complaint process. A voter can go either to the Secretary of State's election administrator or can phone them to immediately reconcile errors. **REP. SMITH** asked about redistricting changing voters' districts. She said the Clerk and Records would do that; they keep the maps, residential information, and are the holders of the official register. There is one data base for the state.

REP. BALLANTYNE asked about a problem with Hutterite men picking up the women's absentee ballots. **Ms. Doggett** said the election administrators would deliver them, if asked. **REP. GIBSON** asked Ms. Graveley if the provisional ballot allowed voters up to one day after to verify identification; it is inconvenient for rural people. **Ms. Graveley** said it is not HAVA, that is a rule of the Secretary of State.

REP. DICKENSON asked if the Clerks can show discretion about what identification is acceptable. **Ms. Doggett** replied, the Secretary of State publishes rules specifying what items will do; also they do voter education in advance. **REP. DICKENSON** said there are so many roadblocks to voting in this bill: identification cards, time frame of 30 days to vote. She said older folks have to arrange rides; if they are snowbirds, they may leave mid-September. This all works against participation.

REP. WAGMAN asked **REP. JENT** if he was comfortable with these amendments. **REP. JENT** said he was with some, but not all. He had no problem mailing back the absentee ballots if others can pick them up beforehand. The problem with identification cards goes beyond HAVA, such as photo identification cards. He wanted to

read the HAVA and compare the amendment before voting. **CHAIRMAN BARRETT** said they will set aside time on Monday to give the bill all the time it needs before voting.

REP. BECKER asked about requiring birth dates for the absentee ballot. **Ms. Graveley** said it was so they could tell father from son. **REP. BECKER** asked if they need to enclose a copy of their photo identification with the ballot. **Ms. Graveley** said when they request the ballot that they show the identification. **Ms. Heffelfinger** addressed the question technically. It is the application for registration which required the identification; versus for the absentee ballot, it is the same process, but the amendment the Secretary of State requested for registering was for the absentees to have their birth date.

REP. BECKER said the way Page 19 reads now, one must present identification when registering, not when applying for absentee. **REP. YOUNKIN** said when one votes absentee, they get two envelopes. They put their identification in the larger envelope. The reason identification is not required when requesting the ballot is because they are not voting yet. **REP. SMITH** commented about the 30 days; it took a piece of his mail 24 days to get to Arizona, so it is not long enough for snowbirds.

REP. BROWN asked Ms. Heffelfinger if there is a provision for the absentee ballot to be sent to other than the permanent address. **Ms. Heffelfinger** deferred to the Secretary of State's staff, who said that on the bottom, one can list a temporary address.

Motion/Vote: **REP. YOUNKIN** moved to PASS CONSIDERATION OF THIS BILL TO ANOTHER MEETING. On a voice vote, motion carried 19-0. {Tape: 2; Side B; Approx. Time Counter: 0 - 38}

ADJOURNMENT

Adjournment: 10:55 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (sth33aad)